

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gregory B. Altshuler et al.
Application No: 10/693,682 – Conf. #8658
Filing Date: October 23, 2003
Entitled: PHOTOTREATMENT DEVICE
FOR USE WITH COOLANTS
AND TOPICAL SUBSTANCES
Atty. Docket No: 105090-140

Conf. No. 8658
Group Art Unit: 3739
Examiner: Not Yet Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 And 1.98 (5 Sheets);
2. 1449 Form (7 Sheets); and
3. Return Receipt postcard

The Commissioner is hereby authorized to charge any underpayments or overpayments in connection with this filing to our Deposit Account No. 141449, Reference No. 105090-140, Customer No. 021125. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 6, 2004

Date

Thomas J. Engellenner, Reg. No. 28,711

Respectfully submitted,

NUTTER, MCCLENNEN & FISH, LLP



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DOCKET NO: 105090-140

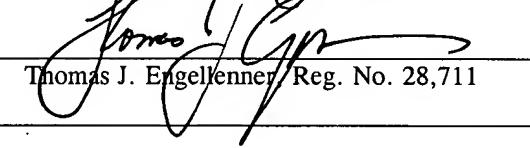
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CERTIFICATE OF MAILING

The undersigned hereby certifies that this document is being deposited with the United States Postal Service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 6, 2004


Thomas J. Engellenner Reg. No. 28,711

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants hereby cite for the record in this application the documents listed on the attached copy of PTO Form 1449. Due to the voluminous nature of this disclosure, a copy of the references are not submitted herewith. The Examiner is kindly requested to call the Attorney for Applicants to request that copies of the references be sent directly to the Examiner's office.

Docket No. 105090-140

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement is being filed prior to the mailing date of a first Office Action on the merits. Accordingly, Applicant believes that no fee or certification is required in accordance with §1.97(b)(3). However, if any additional fee is due, the Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 105090-140, Customer No. 021125.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants hereby make the following additional information of record in the above-identified application.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
09/731,496	December 7, 2000	A. Durkin et al.
09/769,960	January 25, 2001	R. Anderson et al.
09/819,081	February 15, 2001	McDaniel
09/819,082	February 15, 2001	McDaniel
09/847,043	April 30, 2001	H. Zenzie
09/986,367	November 8, 2001	McDaniel
10/033,302	December 27, 2001	R. Anderson et al.
10/080,652	February 22, 2002	G. Altshuler et al.
10/052,474	January 18, 2002	G. Altshuler et al.

Docket No. 105090-140

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
10/144,983	May 15, 2002	S. Ella
10/154,756	May 23, 2002	G. Altshuler et al.
10/188,319	July 2, 2002	G. Altshuler et al.
10/245,825	September 17, 2002	G. Altshuler et al.
10/267,610	October 9, 2002	M. Inochkin et al.
10/274,582	October 21, 2002	G. Altshuler et al.
10/331,134	December 27, 2002	G. Altshuler et al.
10/442,598	May 21, 2003	G. Altshuler et al.
10/417,769	April 17, 2003	G. Altshuler et al.
10/424,114	April 25, 2003	M. Black

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

AT 400 305 B generally relates to a device for treatment of skin zones.

DE 3837248 A1 generally relates to a device for the treatment of skin changes.

EP 1038505 A2 generally relates to a radiation apparatus for optical thermolysis.

FR 2199453 generally relates to a cooling device for phototherapy with high light levels.

FR 2591902 generally relates to an apparatus for external laser therapy.

RU4954402 (Pub. No. 2122848) generally relates to a reflexotherapy device.

RU94012665 (Pub. No. 2089126) generally relates to a method of treatment of tooth hard tissues by laser radiation and device for its realization.

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RU94040344 (Pub. No. 2089127) generally relates to a method of treatment of tooth hard tissues by laser radiation and device for its realization.

RU95102749 (Pub. No. 2096051) generally relates to an apparatus for laser treatment of biological tissues.

RU95105406 (Pub. No. 2082337) generally relates to a tip piece of laser system for treating biological tissue.

WO 96/25979 generally relates to devices for use in the laser treatment of biological tissue and variants thereof.

WO 01/42671 A1 generally relates to a guide rail for a linear bearing.

PART IV: Remarks

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

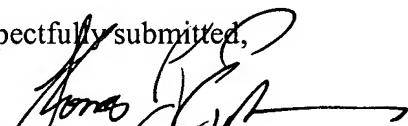
By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Docket No. 105090-140

Notwithstanding any statements by the Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Dated: February 6, 2004

Respectfully submitted,

By 

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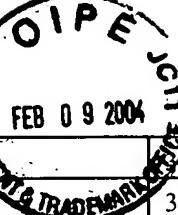
(617)310-9948 FAX

Attorney for Applicant

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT <div style="text-align: center; font-size: small; margin-top: 10px;"> <div style="display: flex; justify-content: space-around; width: 100%;"> FEB 09 2004 of 7 </div> </div>		APPLICATION NO.: 10/693,682 -8658		ATTY. DOCKET NO.: 105090-140	
		FILING DATE: October 23, 2003		CONFIRMATION NO.: 8658	
		APPLICANT: Gregory B. Altshuler et al.			
		GROUP ART UNIT: 3739		EXAMINER: Not Yet Assigned	

U.S. PATENT DOCUMENTS

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYY
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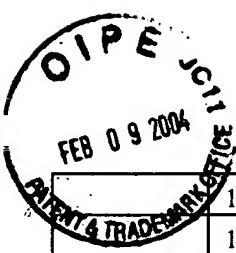
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Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
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